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## REGISTER OF ACTIONS

CASE No. 18CV41552

Gene Camarata vs Apple Computer, Inc., Apple Pioneer Place, John Does  
Individuals 1-5, John Doe Corporation, City of Portlandetal.

Case Type: **Tort - General**  
Date Filed: **09/18/2018**  
Location: **Multnomah**

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### PARTY INFORMATION

		Attorneys
Defendant	Apple Computer, Inc.	
Defendant	Apple Pioneer Place	
Defendant	City of Portland	
Defendant	City of Portland Police Officers John Does 1-5	
Defendant	John Doe Corporation	
Defendant	John Does Individuals 1-5	
Plaintiff	Camarata, Gene 715 NW Hoyt St Portland, OR 97208	Pro Se
	DOB: 1959	

### EVENTS & ORDERS OF THE COURT

	<b>OTHER EVENTS AND HEARINGS</b>
09/18/2018	<u>Complaint</u> <i>Negligent training: NOT SUBJECT TO MANDATORY ARBITRATION</i> Created: 09/19/2018 4:33 PM
09/18/2018	<b>Service</b> Apple Computer, Inc. Served 11/13/2018 Returned 11/15/2018 Apple Pioneer Place Unserved John Does Individuals 1-5 Unserved John Doe Corporation Unserved City of Portland Unserved City of Portland Police Officers John Does 1-5 Unserved Created: 09/19/2018 4:33 PM
09/18/2018	<u>Application - Fee Deferral Waiver</u> <b>**CONFIDENTIAL**</b> Created: 09/19/2018 4:34 PM
09/18/2018	<u>Order - Fee Deferral</u> (Judicial Officer: Authority, Administrative ) <i>Filing fees and Sheriffs fees deferred</i> Signed: 09/18/2018 Created: 09/19/2018 4:38 PM
11/15/2018	<u>Proof - Service</u> Created: 11/15/2018 3:58 PM
11/15/2018	<u>Summons</u> Created: 11/15/2018 3:58 PM
12/03/2018	<b>Notice - Rule 7 - 63 Day</b> Created: 12/03/2018 9:21 AM

### FINANCIAL INFORMATION

	<b>Plaintiff</b> Camarata, Gene	
	Total Financial Assessment	560.00
	Total Payments and Credits	0.00
	<b>Balance Due as of 12/12/2018</b>	<b>560.00</b>
09/18/2018	Transaction Assessment	560.00

FILED

18 SEP 18 PM 3:19

CIRCUIT COURT  
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF MULTNOMAH

18CV41552

GENE CAMARATA,

Plaintiff,

vs.

APPLE COMPUTER, INC., a California  
corporation; APPLE PIONEER PLACE; JOHN  
DOES INDIVIDUALS 1-5, JOHN DOE  
CORPORATION, and CITY OF PORTLAND,  
PORTLAND POLICE OFFICERS  
JOHN DOES 1-5, in their individual  
capacities;

Defendants.

Case No.

**COMPLAINT AND DEMAND  
FOR JURY TRIAL****Section § 1983 (Color of State Law);  
Negligent Training, Supervision,  
and Retention; Injunctive and/or  
Declaratory Relief****Fee Authority: ORS 21.160(1)(c) \$560****\$500,000**

Plaintiff alleges:

1.

Plaintiff Gene Camarata is in Multnomah, Washington and Clackamas counties.

2.

Defendants Apple Computers and Apple Pioneer Place are doing business as corporations in  
Oregon State.

3.

Apple Pioneer Place is a computer retail store, which leases from Pioneer Place, and fronts an  
entire block at 450 SW Yamhill Street, Portland, OR 97204

4.

There are many employees employed Apple Pioneer Place.

5.

On Sunday, September 18, 2016, Mr. Camarata was going back and forth between the Microsoft Store at Pioneer Place, located at 300 SW Yamhill St, and Apple Pioneer Place, exercising his First Amendment rights on public sidewalks. At around 2:00 p.m., in front of the Apple store on a public sidewalk, A Portland City police officer (named something like "Merle") approached Mr. Camarata and told Mr. Camarata that two people of the Apple store (the manager and assistant manager) told the officer that the wide section of property that was shaded adjacent to the road (where the bicycles were) is private property – in addition to other relevant nearby areas being private property, thereby totally eliminating any sidewalk. These statements by the manager and assistant manager were blatantly false. The police officer twice said that he was going to arrest Mr. Camarata if Mr. Camarata didn't leave the area. Mr. Camarata asked why. The officer said for three charges: disorder conduct for yelling, criminal trespassing, and the new unknown exclusion. Mr. Camarata explained two of the charges were the same. The officer at least twice said if Mr. Camarata left he wouldn't ask for Mr. Camarata's name. The officer also at least twice said that if Mr. Camarata was arrested, that he'd be in jail until the following Tuesday because he wouldn't see a judge until then. Mr. Camarata tried to explain about the lack of notice of private property. The officer also said to see the mayor Monday. The officer also said that he was from the NE precinct. Mr. Camarata then left to avoid arrest and took photos of the sidewalk area – as he had been doing anyway – from a distance. None of these conduct or statements by the officer or Apple employees were justified of defensible.

6.

Mr. Camarata did not file the precursor 180-day state tort claim notice against the City of Portland officers. This is not necessary for 42 U.S.C. § 1983 actions. Mr. Camarata understands that the threat of arrest or incarceration by a police officer is not sufficient to state a cognizable constitutional violation under § 1983, so isn't doing so. However, even though all of the Apple private defendants do not work for the City, it's alleged that the private individual's actions were so closely aligned with the City's, and in influencing the City, as to constitute state action. The

Apple private conduct is attributed to the City because there is such a very close nexus between the City and the alleged actions, that Apple's private behavior is as that of the City itself. And in fact, City of Portland police officers are constantly stationed (possibly even hired) inside and outside of the Apple Pioneer Place store. Plaintiff Camarata alleges that all of the above alleged conduct was attributable to Apple and its employees, acting under color of state law, and deprived the Plaintiff of rights and privileges, secured by the Constitution or laws of the United States to be on and protest on a public sidewalk. The unlawful threat of arrest was intended to prevent Mr. Camarata from exercising her legal right, and Plaintiff alleges a cause of action for duress. Apple Defendants acted under color of state law by illegally conspiring with one or more city officers to deprive Plaintiff Camarata of a federal rights, including the right to express an opinion and freedom of speech.

7.

Plaintiff realleges all the above.

8.

All Apple defendants are liable violations of 42 U.S.C. § 1983, negligent in failing to reasonably train and supervise, preventing the use or enjoyment of a public sidewalk for any reason whatsoever, and any other state or federal applicable claims.

9.

As a result of the Defendants' actions, Mr. Camarata has suffered injury for, including but not limited to duress, and severe mental anguish and emotional distress, continued loss of the full use and enjoyment public sidewalks for any reason, hindrance of ingress and egress of his locker that he rents from the City of Portland because he has to go around rather than taking a direct route, loss to his reputation and standing in the community, falsely accused of being a trespasser, injury to his employment and business relation, loss of freedom, energy, wages and money; and ability to use many blocks of sidewalks in downtown Portland.

10.

PLAINTIFF DEMANDS A JURY TRIAL.

WHEREFORE, Plaintiff claims for relief against Defendants as follows:

The above listed factors in all of the paragraphs above, and combinations thereof, resulted in Plaintiff's injuries and economic and non-economic damages for which the Apple Defendants are jointly and severally liable in the amount to be determined by a jury up to \$500,000.

11.

Plaintiff Camarata requests declaratory relief and/or injunctive relief from the court, determining exactly where the relevant public sidewalks are, and who is allowed to use them.

12.

Plaintiff prays for judgment against the Defendants as follows: (1) compensatory damages as may be determined at trial or in further proceedings, (2) punitive damages as may be determined at trial or in further proceedings, (3) reasonable attorney fees and costs of litigation, (4) taxable court costs, and (5) all other general and equitable relief.

DATED this 18 day of September, 2018.

Respectfully submitted.

By: Gene Camarata  
Gene Camarata, Plaintiff, Pro se  
General Delivery  
715 NW Hoyt St, Portland, OR 97208  
E-Mails: genescases@yahoo.com  
GeneCamarata@gmail.com  
(One or the other, or both.)  
(E-mail much preferred to U.S. Postal Service mail.)

Exhibit A  
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